



DEPARTMENT OF LAW  
OFFICE OF THE  
Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

BRUCE E. BABBITT  
ATTORNEY GENERAL

(B76-136) Rod.

June 2, 1976

76-167  
LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Mr. John H. Jett, Director  
Arizona Department of Mineral Resources  
1826 West McDowell  
Phoenix, Arizona 85007

Dear Mr. Jett:

You have inquired as to the authority of the Board of Governors to charge a fee for Department publications provided to the public.

Arizona Revised Statutes § 27-102 provides in pertinent part that:

The department of mineral resources shall:

\* \* \*

7. Publish and disseminate information and data necessary or advisable to attain its objectives.

\* \* \*

We can find, however, no authority in the statutes relating to the Department of Mineral Resources authorizing the Department or its Board to charge fees for providing such information.

However, A.R.S. § 39-121 et seq. which relate to access to public records provides in A.R.S. § 39-121.01 that:

\* \* \*

5. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. The custodian of such records shall furnish such records, printouts or photographs and may charge a reasonable fee if the facilities are available, subject to the provisions of § 39-122. The fee shall not exceed the commercial rate for like service except as otherwise provided by statute. [Emphasis added.]

\* \* \*



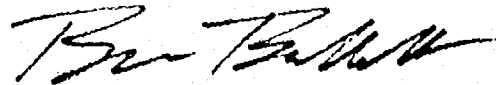
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Although this statutory provision was designed primarily to deal with actual copying of public records within the files of a public agency, it is our opinion that it also may be applied to the dissemination of reprints of public records or special publications of public records created by public agencies. Accordingly, the Department may charge a fee for such publications provided to members of the public so long as the fee does not exceed the going commercial rate for the printing of such publications.

You should know, however, that we have not attempted to determine whether the publications on the list that was attached to your opinion request would qualify as reprints of public records or as special publications of public records. We do not know what public records are on file in your office or what is contained in your publications.

If you have any further questions concerning this matter, please do not hesitate to contact us.

Very truly yours,



BRUCE E. BABBITT  
Attorney General

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